



Exp. Mail EV469012242US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	Steven K. Colten	)	
		)	
Serial No.:	10/755,021	)	Art Unit: 3643
		)	Examiner: Andrea M. Valenti
Filed:	January 8, 2004	)	
		)	
For:	Apparatus and Method for	)	
	Increasing Capacity of	)	
	Automated Litter Box	)	

May 22, 2006  
Sacramento, California 95814

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. SECTION 1.182 TO EXPEDITE PETITION TO WITHDRAW  
HOLDING OF ABANDONMENT – OFFICE ACTION NOT RECEIVED**

Dear Sir or Madam:

Pursuant to 37 C.F.R. section 1.182, please expedite the handling of the Petition To  
Withdraw Holding of Abandonment – Office Action Not Received filed concurrently herewith.

Enclosed is a fee transmittal form authorizing the payment of the fee for this petition  
under 37 C.F.R. section 1.17(f) to be paid from our deposit account.

I am the attorney of record in this patent application.

Date: May 22, 2006

By: Bernhard Kreten  
Bernhard Kreten (Reg. No. 27,037)  
Attorney for Applicant  
Weintraub Genshlea Chediak  
Law Corporation  
400 Capitol Mall, 11<sup>th</sup> floor  
Sacramento, CA 95814  
(916) 558-6033

05/25/2006 MGE BREM1 00000023-10755021  
01 FC:1453 1500.00 DA

05/25/2006 MGE BREM1 00000023 10755021  
02 FC:1462 400.00 DA



Practitioner's Docket No. 33296-pa

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Steven K. Colten

Application No.: 10 / 755,021 Group No.: 3643

Filed: January 8, 2004

Examiner: Andrea M. Valenti

For: Apparatus and Method for Increasing Capacity of Litter Box

## Mail Stop Petition

Commissioner for Patents

P.O. Box 1450, Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
— OFFICE ACTION NOT RECEIVED

NOTE: The **Notice of October 25, 1993**, 1156 O.G. 53, states (in part): "In order to minimize costs and burdens to the practitioner and the Office when an application has become abandoned due to a failure to receive an Office action, the Office is modifying the showing required to make a petition to withdraw the holding of abandonment grantable. The showing required to establish the failure to receive an Office actio[n] must consist of a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement." See also § 711.03(c), MPEP, 8th Edition, Rev.1.

NOTE: A petition to withdraw a holding of abandonment because of failure to receive an Office communication is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133). See § 711.03(c), MPEP, 8th Edition, Rev. 1.

1. I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Office Action forming the basis of the abandonment was not received.

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 \*

- ☐ with sufficient postage as first class mail.

- ☒ as "Express Mail Post Office to Addressee"

Mailing Label No. EV469012242US (mandatory)

## TRANSMISSION

- ☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

05/25/2006 SLUANG1 00000011 501176 10755021

01 FC:1462

400.00 DA

Date: May 22, 2006

Bernhard Kreten  
Signature *by Ann*

Bernhard Kreten  
(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

2. I hereby state: 10/19/2005  
(a) The Office Action indicated, as mailed on 11/01/2005 (Date), was not received.  
(b) A search of the file jacket and the docket records in my office indicates that this Office Action was not received.
3. I attach a copy of the docket record where the non-received Office Action would have been entered had it been received and docketed.
4. ☒ As additional evidence of non-receipt of the Office Action, I also attach:  
*NOTE: In the Notice of Oct. 25, 1993, 1156 O.G. 53, it is pointed out that evidence which previously was typically required included the following items, which petitioner can optionally submit.*
- ☐ Copies of records that would disclose the receipt of other correspondence mailed from the PTO on or about the mail date of the non-received Office Action that fail to disclose the receipt of the Office Action mailed on that date.
  - ☒ Copies of records on which the Office Action would have been entered had it been received.
  - ☒ Statements from the person(s) who would have handled the Office Action had it been received.
  - ☐ Other:

5. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.

*NOTE: As the Notice of Oct. 25, 1993, 1156 O.G. 53 points out: "Two additional procedures are available for reviving an application that has become abandoned due a failure to respond to an Office Action: (1) a petition based on unintentional abandonment or delay; and (2) a petition based on unavoidable delay. See Manual of Patent Examining Procedure § 711.03(c)."*

6. The petition fee (37 C.F.R. § 1.17(f)–\$400.00) is paid as follows:
- ☐ Attached is a ☐ check ☐ money order in the amount of \$ \_\_\_\_\_
  - ☒ Authorization is hereby made to charge the amount of \$ 400
    - ☒ to Deposit Account No. 501176
    - ☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

**WARNING:** Credit card information should **not** be included on this form as it may become public.

- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Reg. No.: 27,037

Tel. No.: (916 ) 558-6033

Customer No.:

Bernhard Kreten  
Signature of Practitioner *by Ann*

Bernhard Kreten  
(type or print name of practitioner)

Weintraub Genshlea Chediak  
400 Capitol Mall, 11th Floor  
P.O. Address

Sacramento, CA 95814



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Steven K. Colten	)	
		)	
Serial No.:	10/755,021	)	Art Unit: 3643
		)	Examiner: Andrea M. Valenti
Filed:	January 8, 2004	)	
		)	
For:	Apparatus and Method for	)	
	Increasing Capacity of	)	
	Automated Litter Box	)	
		)	

May 22, 2006  
Sacramento, California 95814

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT OF PAMELA W. BERTANI  
IN SUPPORT OF PETITION TO WITHDRAW HOLDING OF  
ABANDONMENT – OFFICE ACTION NOT RECEIVED

I, Pamela W. Bertani, declare:

1. I am the attorney of record for Steven K. Colten, the applicant in the above-referenced patent application, and an attorney at the Weintraub Genshlea Chediak Law Corporation.

2. On or about April 28, 2006, our office received a Notice of Abandonment mailed March 28, 2006, stating that the application was abandoned for failure to timely pay the required issue fee. A true and correct copy of the Notice of Abandonment is attached hereto as Exhibit "A."

3. The issue fee was not paid because our office did not receive the Notice of Allowability dated October 19, 2005, and Notice of Allowance and Issue Fee Transmittal dated

November 1, 2005. Rather, copies of the Notice of Allowability, Notice of Allowance and Issue Fee Transmittal were printed from the United States Patent and Trademark Office PAIR system upon receipt of the Notice of Abandonment. True and correct copies of the Notice of Allowability, Notice of Allowance and Issue Fee Transmittal are attached hereto as Exhibit "B."

4. I have reviewed the file and the docket records for this application and confirmed that our office did not receive the Notice of Allowability, Notice of Allowance and Issue Fee Transmittal. A true and correct copy of the docket record for this application is attached hereto as Exhibit "C."

5. Attached hereto as Exhibit "D" is a true and correct copy of an amendment with formal drawings for the above-referenced application, which are required by the Notice of Allowability and corresponding Notice of Draftsperson's Patent Drawing Review, included in Exhibit B.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and that these statements are made with the knowledge that willful false statements and the like so made are punishable by the penalties set forth in section 1001 of Title 18 of the United States Codes, and that such willful false statements may jeopardize the validity of the application, document, or any registration resulting therefrom.

Date: May 21, 2006

Respectfully submitted,

By: 

Pamela W. Bertani (Reg. No. 41,525)  
Attorney for Applicants  
Weintraub Genshlea Chediak  
A Law Corporation  
400 Capitol Mall, 11<sup>th</sup> floor  
Sacramento, CA 95814  
(916) 558-6033



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/755,021

01/08/2004

Steven K. Colten

33296-PA

8949

37095

7590

03/28/2006

BERNHARD KRETEN

WEINTRAUB GENSHLEA CHEDIAK SPROULE

400 CAPITOL MALL, 11TH FLOOR

SACRAMENTO, CA 95814

EXAMINER

VALENTI, ANDREA M

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notice of Abandonment</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/755,021	Colten	
	<b>Examiner</b>	<b>Art Unit</b>	
	VALENTI	3643	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
  
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
  
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
  
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
  
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
  
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
  
7. ☐ The reason(s) below:

slk

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



# **Attachment to Notice of Abandonment**

**For questions concerning the notice contact**

**Office of Patent Publication**

**Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:  
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

## **Respond to the Notice of Abandonment by one of the following:**

### **1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing, 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

### **2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

### **3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/755,021	COLTEN, STEVEN K.	
	Examiner	Art Unit	
	Andrea M. Valenti	3643	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10 August 2005.
2. ☒ The allowed claim(s) is/are 1-3 and 5-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
|---|--|

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Pam Bertani on 20 October 2005.

The application has been amended as follows:

**Claim 1, section d), line 3-7, "platform supported by a base, support panels extending up from said base, and a ramp operatively coupled to said base by grooves located on said base, panels and ramp which are fixed together into complementary edges of said base, panels and ramp to create a defined, enclosed waste storage area and an article storage area, with said bottom of said waste receptacle being located lower than said bottom surface of the litter box."**

Was changed to --platform supported by a horizontal base with at least two platform support panels extending up from said base to define an enclosed article storage area, an upwardly extending frame on a top surface of said platform to help keep the litter box in place, and a ramp operatively coupled to a horizontal extension of said base by grooves located on said extension, at least two ramp support panels extend up from said extension, said ramp support panels and said ramp create a defined, enclosed waste storage area with said bottom of said waste receptacle being located between said ramp and said extension with potential expansion into said article storage area and being located lower than said bottom surface of the litter box.--

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**Claim 2, line 2, "a top surface" was changed to --said top surface--**

**Claim 8, line 2, "an extension" was changed to --said extension--**

**Claim 13, section a), line 3, "litter box system is placed on said platform;" was changed to --litter box system is placed on said platform, and an upwardly extending frame on a top surface of said platform to help keep the litter box in place;--**

**Claim 13, section c), line 1, "an animal access ramp connected to" was changed to --an animal access ramp and at least two ramp support panels connected to--**

**Claim 13, section c) line 4, "litter box system when said system is placed on top of said platform;" was changed to --litter box system when said system is placed on top of said platform, said access ramp operatively retained by a groove in a horizontal extension of a horizontal base;--**

**Claim 13, section d), line 1, "a base having" was changed to --said horizontal base having--**

**Claim 13, section e), line 11, "receptacle of said automated litter box system." Was changed to --receptacle of said automated litter box system, said waste receptacle being located between said access ramp and said horizontal extension of said base with potential expansion into an area beneath said platform.--**

**Claim 18, line 1, "includes an" was changed to --includes said--**

**Claim 23, line 6-7, "a conveyance element to provide pet access from a floor to said platform; and means for joining said conveyance element with said platform;" was**

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changed to -- a ramp element to provide pet access from a floor to said platform; and means for joining said ramp element with said platform;--

**Claim 23, line 12**, "owner to maintain the litter box in a sanitary manner." Was changed to --owner to maintain the litter box in a sanitary manner; said support members include: a horizontal base having opposed extremities with groove means disposed thereon; a pair of platform support panels each having an extremity with means complementary to said groove means for fixing said support panels in static relationship to said base; an elevated platform having groove means in operative relationship with said platform support panels at extremities remote from said base, said elevated platform having a bottom surface and a top surface provided with and upwardly extending frame means dimensioned to fixedly secure the litter box during operation, one said platform support panel having an exterior surface remote from said other platform support panel provided with groove means operatively coupled to a ramp means, said ramp means including at least two ramp support panels and an underlying horizontal ramp base extension, said ramp support panels operatively inserted into groove means in said base extension and on the platform support panel, said ramp being fixed on said ramp support panels and said base extension; and said waste storage container being located between said ramp and said base extension with potential expansion into an area beneath said elevated platform.--

**Claim 25 was cancelled**

***Allowable Subject Matter***

Claims 1-3 and 5-24 are allowed.

The following is an examiner's statement of reasons for allowance:

Cited references U.S. Patent Pub. No. 2002/0069830 A1; U.S. Patent No. 4,886,014; U.S. Patent No. 5,226,388; U.S. Patent No. 5,544,620 A; U.S. Patent No. 3,828,733; European Patent EP 097242 A1; French Patent FR 2693349 A1; U.S. Patent Pub. No. US 2004/0079291 A1; U.S. Patent Pub. No. US 2003/0217700 A1; U.S. Patent No. 6,126,015; U.S. Patent No. 5,279,258; U.S. Patent No. 3,482,546; U.S. Patent No. 3,735,735; U.S. Patent No. 5,329,878; U.S. Patent No. 6,418,880; U.S. Patent No. 5,394,835; U.S. Patent No. 5,803,016; U.S. Patent No. 5,329,879; U.S. Patent No. 6,205,954; U.S. Patent No. 6,701,868 teach litter boxes with ramps, elevated litter boxes, litter boxes with waste storage receptacles with lids, and litter boxes with automatic raking for removing waste.

The prior art of record all fails to show, and fails to make obvious, either alone and/or in combination an elevated platform supported by a horizontal base with at least two platform support panels extending up from said base to define an enclosed article storage area, an upwardly extending frame on a top surface of said platform to help keep the litter box in place, and a ramp operatively coupled to a horizontal extension of said base by grooves located on said extension, at least two ramp support panels extend up from said extension, said ramp support panels and said ramp create a

Art Unit: 3643

defined, enclosed waste storage area with said bottom of said waste receptacle being located between said ramp and said extension with potential expansion into said article storage area and being located lower than said bottom surface of the litter box.

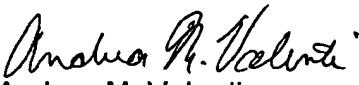
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 571-272-6895. The examiner can normally be reached on 7:00am-5:30pm M-Th.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Andrea M. Valenti  
Patent Examiner  
Art Unit 3643

20 October 2005

  
Peter M. Poon  
Supervisory Patent Examiner  
Technology Center 3600

10/27/05



Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.**

Substitute for form 1449/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)		Application Number	10/755,021
		Filing Date	
		First Named Inventor	Steven K. Cotten
		An Unit	3643
		Examiner Name	A. Valenti
		Attorney Docket Number	33296-pa
Sheet 1	of 1		

[illegible][illegible]

Examiner Signature	<i>Andrea M. Valente</i>	Date Considered	10/20/05
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 801.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

**If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.**

<b>Examiner-Initiated Interview Summary</b>	Application No.	Applicant(s)	
	10/755,021	COLTEN, STEVEN K.	
	Examiner	Art Unit	
	Andrea M. Valenti	3643	

**All Participants:**

(1) Andrea M. Valenti.

(2) Pam Bertani.

**Status of Application: Allowance**

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**Date of Interview:** 20 October 2005

**Time:** \_\_\_\_\_

**Type of Interview:**

- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

**Exhibit Shown or Demonstrated:** ☐ Yes ☒ No  
 If Yes, provide a brief description:

**Part I.**

Rejection(s) discussed: N/A

**Claims discussed:**

1, 2, 8, 13, 18, 23, and 25

Prior art documents discussed: N/A

**Part II.**
**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**


*Examiner called applicant for approval for the attached examiner's amendment. Applicant approved the changes.*

**Part III.**

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

  
 (Examiner/SPE Signature)

\_\_\_\_\_  
 (Applicant/Applicant's Representative Signature – if appropriate)

<b>Issue Classification</b> 	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/755,021	COLTEN, STEVEN K.	
	Examiner	Art Unit	
	Andrea M. Valenti	3643	

ISSUE CLASSIFICATION									
ORIGINAL				CROSS REFERENCE(S)					
CLASS	SUBCLASS			CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)				
119	161			119	166	165			
INTERNATIONAL CLASSIFICATION				D30	161	162			
B 6 3 H	25 110								
			/						
			/						
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			/						

<i>Andrea M. Valenti</i> 10/20/05 (Assistant Examiner) (Date)	<b>PETER M. POON</b> <b>SUPERVISORY PATENT EXAMINER</b> <i>Peter M. Poon</i> 10/27/05 (Primary Examiner) (Date)	Total Claims Allowed: <b>23</b>
<i>Shore</i> 10/29/05 (Legal Instruments Examiner) (Date)		O.G. Print Claim(s) <b>1</b> O.G. Print Fig. <b>4</b>

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant										<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47	
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1		31		61		91		121		151		181		
2	2		32		62		92		122		152		182		
3	3		33		63		93		123		153		183		
4	4		34		64		94		124		154		184		
5	5		35		65		95		125		155		185		
6	6		36		66		96		126		156		186		
7	7		37		67		97		127		157		187		
8	8		38		68		98		128		158		188		
9	9		39		69		99		129		159		189		
10	10		40		70		100		130		160		190		
11	11		41		71		101		131		161		191		
12	12		42		72		102		132		162		192		
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24	24		54		84		114		144		174		204		
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26	26		56		86		116		146		176		206		
27	27		57		87		117		147		177		207		
28	28		58		88		118		148		178		208		
29	29		59		89		119		149		179		209		
30	30		60		90		120		150		180		210		

**Andrea M. Valenti**

3643

✓	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date	
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1	1		
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Claim		Date	
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**Search Notes**

Application No.

10/755,021

Examiner

Andrea M. Valenti

Applicant(s)

COLTEN, STEVEN K.

Art Unit

3643

**SEARCHED**

Class	Subclass	Date	Examiner
119	161	2/6/2005	AMV
119	163-170	2/6/2005	AMV
D30	161, 162	2/6/2005	AMV
Updated	above	10/20/2005	AMV

**INTERFERENCE SEARCHED**

Class	Subclass	Date	Examiner
see	attached	10/20/2005	AMV
search	history		

**SEARCH NOTES  
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
East Search	2/6/2005	AMV
PALM inventor name search	2/6/2005	AMV
Text search 209 and 294 and 'litter'	2/6/2005	AMV
Text search 119 and 'platform' and 'elevated' and 'ramp' and 'litter' or 'litter box'	2/6/2005	AMV

## NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 01/08/04 are:

- A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.  
B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

☐ Color drawings are not acceptable until petition is granted. Fig(s) \_\_\_\_\_

☐ Pencil and non black ink not permitted. Fig(s) \_\_\_\_\_

2. PHOTOGRAPHS. 37 CFR 1.84(b)

☐ One (1) full-tone set is required. Fig(s) \_\_\_\_\_

☐ Photographs may not be mounted. 37 CFR 1.84(e)

☐ Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s) \_\_\_\_\_

☐ Poor quality (half-tone). Fig(s) \_\_\_\_\_

3. TYPE OF PAPER. 37 CFR 1.84(e)

☐ Paper not flexible, strong, white, and durable.

Fig(s) \_\_\_\_\_

☒ Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. 1-9

Fig(s) \_\_\_\_\_

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

21.0 cm by 29.7 cm (DIN size A4) or

21.6 cm by 27.9 cm (8 1/2 x 11 inches)

☐ All drawing sheets not the same size.

Sheet(s) \_\_\_\_\_

☐ Drawings sheets not an acceptable size. Fig(s) \_\_\_\_\_

5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

☒ Margins not acceptable. Fig(s) 1-9

Top (T) ☒ Left (L)

Right (R) ☐ Bottom (B)

6. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig. 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.

☐ Views not labeled separately or properly.

Fig(s) \_\_\_\_\_

7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)

☐ Sectional designation should be noted with Arabic or Roman numbers. Fig(s) \_\_\_\_\_

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

☐ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) \_\_\_\_\_

9. SCALE. 37 CFR 1.84(k)

☐ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction.

Fig(s) \_\_\_\_\_

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l)

☒ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) 1-9

11. SHADING. 37 CFR 1.84(m)

☐ Solid black areas pale. Fig(s) \_\_\_\_\_

☐ Solid black shading not permitted. Fig(s) \_\_\_\_\_

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)

☒ Numbers and reference characters not plain and legible. Fig(s) 1-9

☒ Figure legends are poor. Fig(s) 1-9

☐ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s) \_\_\_\_\_

☐ English alphabet not used. 37 CFR 1.84(p)(2) Fig(s) \_\_\_\_\_

☒ Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s) 1-9

13. LEAD LINES. 37 CFR 1.84(q)

☐ Lead lines missing. Fig(s) \_\_\_\_\_

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(i)

☐ Sheets not numbered consecutively, and in Arabic numbers beginning with number 1. Sheet(s) \_\_\_\_\_

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

☐ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) \_\_\_\_\_

16. DESIGN DRAWINGS. 37 CFR 1.152

☐ Surface shading shown not appropriate.

Fig(s) \_\_\_\_\_

☐ Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s) \_\_\_\_\_

COMMENTS:

Reviewer Tang

If you have questions, call (703)

305.0333 x132

Date 10/19/05

Attachment to Paper No. \_\_\_\_\_



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,021	01/08/2004	Steven K. Colten	33296-PA	8949
37095	7590	11/01/2005		
BERNHARD KRETEN WEINTRAUB GENSHLEA CHEDIAK SPROULE 400 CAPITOL MALL, 11TH FLOOR SACRAMENTO, CA 95814				
EXAMINER VALENTI, ANDREA M				
ART UNIT		PAPER NUMBER		
3643				

DATE MAILED: 11/01/2005

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

37095 7590 11/01/2005

BERNHARD KRETEN  
WEINTRAUB GENSHEA CHEDIAK SPROULE  
400 CAPITOL MALL, 11TH FLOOR  
SACRAMENTO, CA 95814

EXAMINER

VALENTI, ANDREA M

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 11/01/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,021	01/08/2004	Steven K. Colten	33296-PA	8949

TITLE OF INVENTION: APPARATUS AND METHOD FOR INCREASING CAPACITY OF AUTOMATED LITTER BOX

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$700	02/01/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



# **PART B - FEE(S) TRANSMITTAL**

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
(571) 273-2885**

or **Fax**

**INSTRUCTIONS:** This form should be used for transmitting the **ISSUE FEE** and **PUBLICATION FEE** (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

**CURRENT CORRESPONDENCE ADDRESS** (Note: Use Block 1 for any change of address)

37095 7590 11/01/2005

**BERNHARD KRETEN  
WEINTRAUB GENSHLEA CHEDIAK SPROULE  
400 CAPITOL MALL, 11TH FLOOR  
SACRAMENTO, CA 95814**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,021	01/08/2004	Steven K. Colten	33296-PA	8949

**TITLE OF INVENTION: APPARATUS AND METHOD FOR INCREASING CAPACITY OF AUTOMATED LITTER BOX**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$700	02/01/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
VALENTI, ANDREA M	3643	119-161000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Due Date	Client	Inventor	Ref No	Docket No	Action	Title
1/29/2006	Thermo	Coelho	09/709,237	30195-pa	Response to OA w/1 month extension	Apparatus and Method of Preparation of Stable, Long Term Thrombin from Plasma and Thrombin Formed Thereby
1/30/2006	Thermo		PCT/US05/29288	7156/14175	(16 month) international search report should be received	Blood Component Separation Method and Apparatus
1/30/2006	Brent Flamm		6,342,661	8662/7964	First MF due (with surcharge last day to pay)	Multi-String Guitar Pick
1/30/2006	Enviro Tech Chemical	Howarth	10/609,280	8568/7776	File Continuation application for Bromine A	
2/1/2006	LNS	Reed	2001266565	32217-fpa	Nominal Deadline for Acceptance / (Australia) (final deadline 11/1/06)	Thread Replacement System and Device
2/1/2006	ATA	Tempest		34144-pct	Invitation to Correct formality of missing indication of the country party to the Paris convention	Gaming Device, System, and Method Having Concurrent Gaming Features
2/3/2006	Thermo		98911437.6	28282-fpa	Instructions due re MF (9) (Europe) due 3/6/06	Method and Apparatus for Altering the Osmotic Pressure of Cryopreserved White Stem Cells
2/4/2006	Thermo		5,789,147	98022-pmf	Second MF due (last day 8/4/06)	Method for Concentrating White Cells.. (owned by NYBC)
2/4/2006	Salad Cosmo	Nakada	10/807,640	34059-pa	Response to Office action w/3 using extension - restriction	Method and Apparatus for Severing Root of Bean Sprout
2/4/2006	CDS		2002341597	34053-fpa	Request for Examination due. (Australia) last day (they will file if we do not respond by 1/24/06)	Gaming Device and Method (Red/Blue Bingo)
2/4/2006	CDS		2002335700	34046-fpa	Request for Examination due. (Australia)	Gaming Device and Method (Bingomatic)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	Steven K. Colten	)	
		)	
Serial No.:	10/755,021	)	Art Unit: 3643
		)	Examiner: Andrea M. Valenti
Filed:	January 8, 2004	)	
		)	
For:	Apparatus and Method for	)	
	Increasing Capacity of	)	
	Automated Litter Box	)	
		)	

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May 22, 2006  
Sacramento, California 95814

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT**

This amendment is submitted concurrently with a Petition To Withdraw Holding Of Abandonment, pursuant to 37 C.F.R. 1.181, in response to a non-received office action (a Notice of Allowability dated October 19, 2005 and a Notice of Allowance and Fee Due mailed November 1, 2005).

Amendments to the drawings begin on page 2 of this paper.

Amendments To The Drawings

Figures 1-9 have been corrected in compliance with the Notice of Draftsperson's Patent Drawing Review attached to the non-received office action (Notice of Allowability) dated October 19, 2005.

No new matter has been added to any of the drawings.

Remarks

Applicant submits four replacement sheets containing corrected drawings of Figs. 1-9 as required by the non-received office action (Notice of Allowability) dated October 19, 2005, and in compliance with the corresponding Notice of Draftsperson's Patent Drawing Review dated October 19, 2005 and attached to the non-received office action. No new matter has been added to any of the drawings.

If any issues remain outstanding with respect to the this case, Applicant requests that the Examiner telephone Audrey Millemann at (916) 558-6033.

Respectfully submitted,

Date: May 22, 2006

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